

Appl. No. 09/992,008
Draft Supplemental Amdt. dated Sept. 4, 2006
Reply to Office Action of Sept. 6, 2005

REMARKS

Claims 1-12, 14-15, and 20-25 are all the claims presently pending in the Application. Claims 2-12, 14-15, and 20-25 stand rejected under 35 U.S.C. § 112, second paragraph and claims 2-12, 14-15, and 20 stand objected-to. These rejections are traversed in view of the following discussion.

I. The 35 U.S.C. § 112, SECOND PARAGRAPH REJECTIONS

The claims have been amended to overcome the Examiner's rejections for antecedent basis. Further, Although the Examiner rejections for claims 4, 6, 12, and 20 include lacking antecedent basis for the limitation "said number of local participant input signals," this limitation was first mentioned in claim 1, lines 5-6 as "means for measuring a characteristic of each of *a number of local participant input signals*." Thus, this particular limitation in claims 4, 6, 12, and 20 has a proper antecedent basis.

In view of the claim amendments, above, the Examiner is respectfully requested to reconsider and withdraw this rejection.

II. OATH/DECLARATION

Provisional application priority is claimed in the present Application's Declaration to a U.S. Provisional Application under 35 U.S.C. Sec. 120. Although

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Section 119(e) states it is specifically for claiming priority to a U.S. provisional application, the attached OG Notice from 18 March 2003 states that

"35 U.S.C. 120 does not preclude a benefit claim to a provisional application (that is, one could obtain the benefit under 35 U.S.C. 120 of a prior filed provisional application)..."

under Part II of the notice (see the bracketed section on the fourth page of the attached notice). Applicant, in the specification, used the proper language for claiming benefit under 35 U.S.C. 119(e) as required in the 2003 OG Notice. Thus, Applicant's claim of application priority in the declaration is allowed and Applicant respectfully requests the Examiner withdraw this objection.

III. DRAWINGS

During the teleconference of July 13, the Examiner noted that paragraph [0015] of the specification describes a "DSP," or Digital Signal Processor, but that a delineation of a DSP itself is not shown in Figure 4. The delineation of a DSP is shown in Figure 4 but not an *entire* as-built DSP chip because the pertinent part of the DSP used in the exemplary embodiment, the "power measuring module 16 of the DSP having ten power measuring devices 17" is used for the invention and described with reference numbers in [0015]. It is well known that it is not necessary to show every as-built detail of a device in a figure since patents are directed to one skilled in the art. Since this is merely the preferred embodiment of the invention, the claimed invention would encompass other devices used to create communications channels

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and measure the power or other levels in the signals.

The Application as-filed did not have a diagram of the relevant method steps of the preferred embodiment claimed in the limitations of claim 21, therefore the flowchart in Figure 5 has been added in the prior filing mentioned above, using language from the limitations of claim 21 so that no new matter will be added to the Application. Thus, in view of the method steps of the Application now illustrated in Figure 5, Applicant requests the Examiner reconsider and withdraw this objection.

CONCLUSION

The Examiner is respectfully requested to pass the above Application to issue at the earliest possible time. Applicant believes a telephonic interview would speed the process of moving the Application into condition for allowance and requests the Examiner to contact the undersigned counsel upon review of this Amendment.

The Commissioner is hereby authorized to charge any fees associated with this communication to Client's Deposit Account No. 20-0668.

Respectfully Submitted,

Date: _____

DRAFT DO NOT FILE _____

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: the Commissioner for Patents, United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

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on _____

Kendal M. Sheets